

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 22-cr-20590

v.

HON BERNARD A. FRIEDMAN

MICHELE JOHNSON

Defendant.

_____ /

DEFENDANT'S MOTION FOR BOND
WITH BRIEF IN SUPPORT HEARING REQUESTED

Now comes Michelle Johnson, by and through her attorney, Christopher W. Quinn, II and hereby moves this Honorable Court pursuant to 18 U.S.C. § 3145(b) to modify the prior Order of Detention Pending Trial issued in this matter and requests that the Court grant Ms. Johnson a bond, pending resolution of this matter, pursuant to 18 U.S.C. § 3142(c). In support of this Motion, Ms. Johnson states the following and files the accompanying brief:

1. On November 1, 2022, the Magistrate Judge entered an order of detention pending trial in this matter.
2. The court has the authority pursuant to 18 U.S.C. § 3145(b) to review the previous order of release.

3. Ms. Johnson poses neither a danger to the community nor a risk of flight under 18 U.S.C. § 3142(f).

4. Ms. Johnson' is currently a 68-year-old female that has been diagnosed with stage three (3) lung cancer.

5. Ms. Johnson has been in federal custody since September 2022 and prior to that was in custody of the State of Florida since September 2021.

6. The current detention order in this case places Ms. Johnson's health at risk due to the marginal health care she is receiving at the Livingston County Jail.

7. Additionally, Ms. Johnson pursuant to the Rule 11 plea agreement in this case, has served a majority of her sentence at this point and keeping her in custody until July 2023 would subject Ms. Johnson to a sentence that is greater than necessary to deter future crime and protect the public.

WHEREFORE, Ms. Johnson respectfully requests that the court hold a hearing and grant her request.

Respectfully submitted,

s/Christopher W. Quinn, II
CHRISTOHER W. QUINN, II P69483
Attorney for Defendant
400 Monroe, Suite 330
Detroit, Michigan 48226
(313) 967-7847

Date: April 20, 2023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 22-cr-20590

v.

HON BERNARD A. FRIEDMAN

MICHELE JOHNSON

Defendant.

_____ /

18 U.S.C. §3142(e) provides that detention is appropriate only where the court finds that no condition or combination of conditions reasonably ensure the appearance of the person as required and the safety of any other person or the community. This section is based on the understanding “that in our society, liberty is the norm and detention prior to trial, or without trial, is the carefully limited exception.” *United States v. Bell*, 673 F. Supp. 1429, 1430 (E.D. Mich. 1987), citing *United States v. Salerno*, 107 S. Ct. 2095 (1987). Congress envisioned the pretrial detention of only a fraction of accused individuals awaiting trial. *United States v. Orta*, 760 F.2d 887, 891 (8th Cir. 1985). The structure of the statute mandates every form of release be considered before detention may be imposed. *Id.* at 892. Detention determinations must be made individually and, in the final analysis, must

be based on the evidence which is before the court regarding the particular defendant. *United States v. Tortora*, 922 F.2d 880, 887 (1st Cir. 1990).

ARGUMENT

“In determining if release conditions exist that will reasonably assure the appearance of a defendant at trial and the safety of the community, the court considers the following: (1) the nature and circumstances of the crime; (2) the weight of the evidence against the defendant; (3) the history and characteristics of the defendant, including mental condition, family ties, employment, community ties, and past conduct; and (4) the seriousness of the danger to the community or to an individual.” *United States v. Abad*, 350 F.3d 793, 797 (8th Cir. 2003). The order of detention pending trial in this case did not contemplate the serious health challenges that Mr. Johnson is currently experiencing with stage three (3) lung cancer. Additionally, Ms. Johnson has served most of her sentence pursuant to the Rule 11 plea agreement entered in this case. Although, Ms. Johnson plead to Escape under 18 U.S.C. sec 751(a) and 4082(a), she is not a flight risk due in part to her age and her failing health.

. Ms. Johnson desires to get out, on bond and obtain quality health care, this is her primary focus, currently she is receiving minimal health care at the Livingston County Jail.

CONCLUSION

Based on the foregoing, Ms. Johnson respectfully requests this Honorable Court grant his request to grant her a bond pending the resolution of this case.

Respectfully submitted,

/s/Christopher W. Quinn, II
CHRISTOPHER W. QUINN, II (P69483)
Attorney for Defendant
400 Monroe, Suite 330
Detroit, Michigan 48226
(313) 967-784

Date: April 20, 2023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

CASE NO. 22-cr-20590

v.

HON BERNARD A. FRIEDMAN

MICHELE JOHNSON

Defendant.

_____ /

CERTIFICATE OF SERVICE

I hereby certify that on April 20, 2023, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

Douglas Salzenstein
Assistant U.S. Attorney
211 West Fort, #2001
Detroit, MI 48226
Doug.Salzenstein@usdoj.gov

Tara Hindelang
Assistant U.S. Attorney
211 West Fort, #2001
Detroit, MI. 48226
Tara.Hindelang@usdoj.gov

s/Christopher W. Quinn, II
CHRISTOPHER W. QUINN, II (P69483)
Attorney for Defendant
400 Monroe, Suite 3300
Detroit, Michigan 48226
(313) 967-7847

Date: April 20, 2023